

REMARKS

The Official Action mailed July 21, 2006, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Filed concurrently herewith a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on June 14, 2004; December 27, 2004; January 18, 2006; and May 15, 2006.

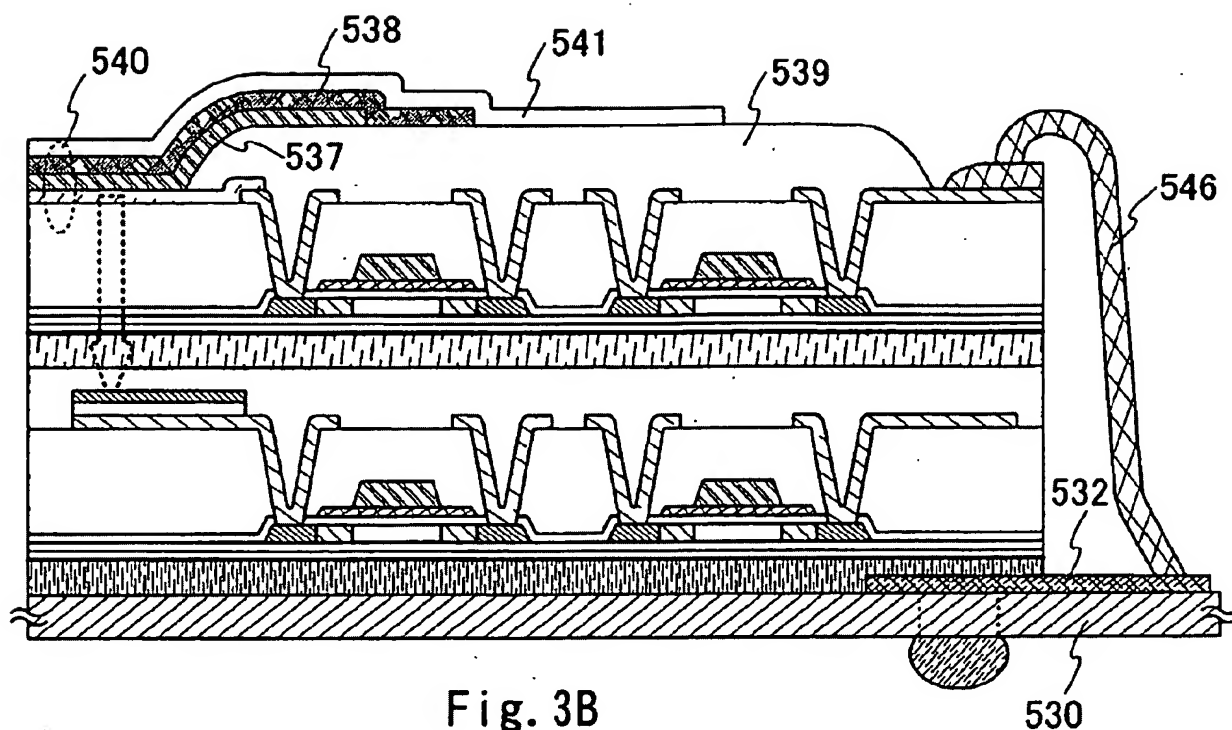
Claims 1-21 were pending in the present application prior to the above amendment. Claims 1-10 and 21 have been amended to better recite the features of the present invention, and new claim 22 has been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 1-22 are now pending in the present application, of which claims 1-10 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 3 of the Official Action rejects claims 1-19 and 21 as obvious based on the combination of U.S. Patent No. 4,766,471 to Ovshinsky and U.S. Patent No. 4,888,625 to Mueller. Paragraph 4 of the Official Action rejects claim 20—as obvious based on the combination of Ovshinsky, Mueller, and U.S. Patent Application Publication No. 2002/0027206 to Yuan. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the

prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

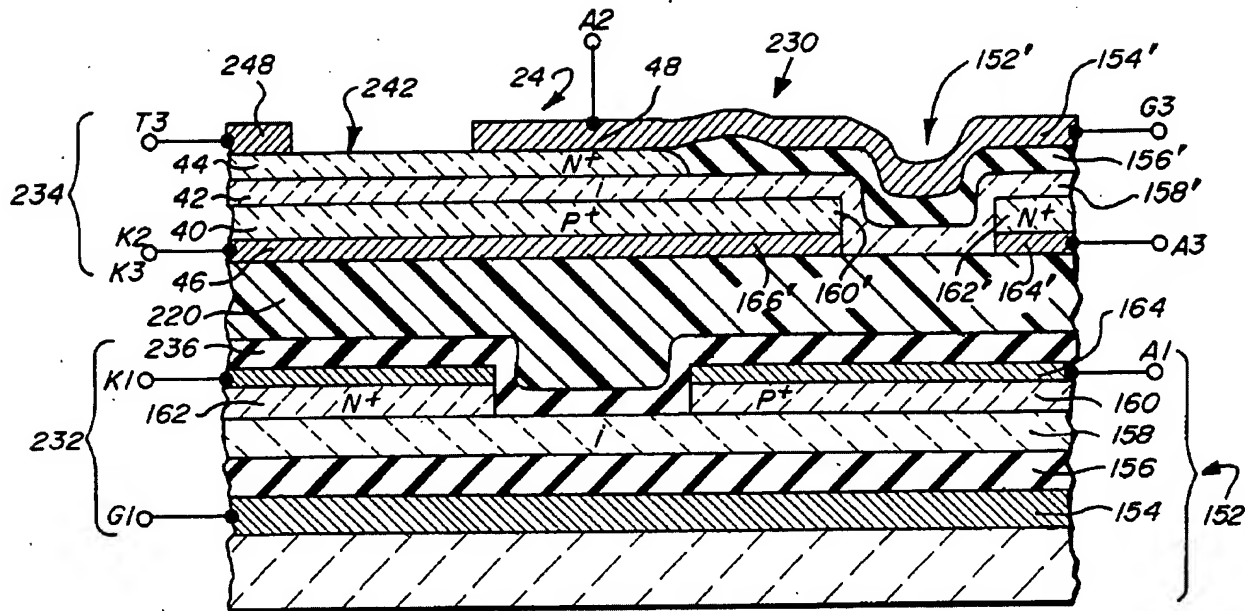
The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 1-10 have been amended to recite that a light emitting element (see e.g. 540, Figure 3B, reproduced below) comprises a first electrode (see e.g. 536), a second electrode (see e.g. 538), and an electro-luminescent layer (see e.g. 537) formed between the first electrode and the second electrode, and where the first electrode, the electro-luminescent layer, and the second electrode overlap each other.



Support for this amendment is found in the present specification, for example, at paragraphs [0080] to [0083]. For the reasons provided below, Ovshinsky, Mueller and Yuan, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

The Official Action asserts that Ovshinsky teaches "a first electrode, a second electrode and an electro-luminescent layer between the electrodes (col. 15, lines 28-29; fig. 6A, electro-luminescent layer 158 between electrodes A2 and K2)" (page 3, Paper No. 20060718; Figure 6A reproduced below).

FIG. 6A



The Official Action asserts that "electrodes A2 and K2" correspond with the first and second electrodes of the present claims. However, active layer 158 (fourth layer from the bottom of Figure 6A) of Ovshinsky is not formed between the anode A2 (top side of Figure 6A) and the cathode K2 (left side of Figure 6A). Also, it is not clear that anode A2, cathode K2 and active layer 158 could be collectively considered a light emitting element. Even if the Official Action takes the position that anode A1 and cathode K1 correspond with the first and second electrodes of the present claims, the anode A1, the active layer 158, and the cathode K1 do not overlap each other. Specifically, anode A1 and cathode K1 do not overlap each other.

Therefore, Ovshinsky does not teach or suggest that a light emitting element comprises a first electrode, a second electrode, and an electro-luminescent layer formed between the first electrode and the second electrode, and where the first electrode, the electro-luminescent layer, and the second electrode overlap each other.

Also, independent claims 1-10 recite stacked semiconductor elements each having at least one thin film transistor. Although Ovshinsky appears to teach a Field

Effect Transistor (see Figures 6A and 6B; DIFETs 232, 234), the Applicant respectfully submits that a Field Effect Transistor does not correspond to a thin film transistor. Therefore, Ovshinsky does not teach or suggest stacked semiconductor elements each having at least one thin film transistor.

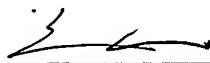
Mueller and Yuan do not cure the deficiencies in Ovshinsky. Mueller is relied upon to allegedly teach that "a resin ... is used to hold together a light emitting device and a light receiving device" (page 3, Paper No. 20060718). Yuan is relied upon to allegedly teach an "organic light emitting device" (page 5, Id.). However, Ovshinsky, Mueller and Yuan, either alone or in combination, do not teach or suggest that a light emitting element comprises a first electrode, a second electrode, and an electro-luminescent layer formed between the first electrode and the second electrode, and where the first electrode, the electro-luminescent layer, and the second electrode overlap each other. Also, Ovshinsky, Mueller and Yuan, either alone or in combination, do not teach or suggest that Ovshinsky's Field Effect Transistor could or should be replaced with a thin film transistor or stacked semiconductor elements each having at least one thin film transistor.

Since Ovshinsky, Mueller and Yuan do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Dependent claim 21 has been amended to recite that an electro-luminescent layer has a laminated structure, which is supported in the present specification, for example, at paragraph [0111]. New dependent claim 22 has been added to recite additional protection to which the Applicant is entitled. The features of claim 22 are supported by the present specification, for example, at paragraph [0047]. For the reasons stated above and already of record, the Applicant respectfully submits that amended claim 21 and new claim 22 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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